

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 15-CR-00223-01
	*	
VERSUS	*	DISTRICT JUDGE FOOTE
	*	
SHAWN D. DRIGGERS	*	MAGISTRATE JUDGE HORNSBY

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION FOR IN CAMERA INSPECTION (Document 28)**

Now into Court, comes the United States, through the United States Attorney for the Western District of Louisiana, and by the undersigned Assistant United States Attorney, who now responds to the Defendant's Motion for In Camera Inspection (Document 28).

1.

Defendant has requested an in camera inspection of substance of the statements of Jennifer Harrison, the Defendant's sister and Jessica Driggers, the wife of the Defendant and the mother of the victim, given prior to presentation of this case before the Grand Jury alleging that the statement of each is exculpatory. (Document 28).

2.

The Government has previously provided to the Defendant reports of interview and other information initially provided by these two individuals to law enforcement. Any "proffered statement" made by either Jennifer Harrison or

Jessica Driggers has not been provided.

3.

The Defendant has requested copies of all statements made by or attributed to the alleged victim and known to or made in the presence of agents of the government that are relevant to the allegations charged in the indictment be reviewed by the court in camera to determine the existence of exculpatory evidence. He made a related request in Document 26 to which the Government has responded by filing Document 38.

4.

Title 18, United States Code, Section 3500, cited by the Defendant, does not authorize the discovery of the statements of any witness, including the victim of a crime, at this time. If fact, it states that such statements they are not subject to pretrial discovery. Title 18, United States Code, Section 3500 (a) states:

“(a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) shall be subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.”

The Government will provide such “Jencks Act” material to a Defendant prior to the trial of a Defendant.

5.

Rule 16(a)(1)(E), cited by the Defendant, is not authority for providing the statements of the any witness, including the victim, at this time as Rule 16(a)(2)

states: “**Information Not Subject to Disclosure.** Except as permitted by Rule 16(a)(1)(A)-(D), (F) and (G), this rule does not authorize the discovery of inspection of reports, memoranda or other internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case. Nor does this rule authorize the discovery or inspection of statements made by prospective government witnesses except as provided in 18 U.S.C. § 3500.”

As noted above, 18 U.S.C. § 3500 does require the production of any witness’s statement at this time.

6.

The Government has no objection to the Court’s in camera review as requested by the Defendant of the discovery previously provided on this issue and for the information the Defendant now seeks to have the Government disclose concerning the “proffered statements” of Jennifer Harrison and Jessica Driggers and the prior statements of the victim in this case.

WHEREFORE, the Government prays that this response be found adequate.

Respectfully submitted,

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C E R T I F I C A T E

I hereby certify that on this 17th day of June, 2016, a copy of the foregoing Government's Response to Defendant's Motion For In Camera Inspection (Doc. 28) was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mr. H. Cameron Murray by operation of the Court Electronic Filing System.

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